

THE HONORABLE MARY JO HESTON
Hearing Date: March 24, 2020 @ 1:00 pm
Location: Tacoma, WA
Response Date: March 17, 2020

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON (TACOMA)**

In re: § Chapter 13
§
Michael Floyd Sanders, § Case No. 20-40150-MJH
§
Debtor. §

OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Quicken Loans Inc. (the "Creditor"), by its attorneys, Weinstein & Riley, P.S., hereby objects to the Chapter 13 Plan proposed by the Debtor, Michael Floyd Sanders (the "Debtor").

1. Debtor filed a petition for relief under Chapter 13 of Title 11 of the United States Code, 11 U.S.C. §§ 101 et seq. (the "Bankruptcy Code") on January 18, 2020. *See* Docket No. 1.

2. On June 24, 2017, Debtor and non-filing Co-Debtor, Beverly M. Sanders, borrowed the sum of \$359,793.00, from the Creditor pursuant to a Note. A copy of the Note is attached as **Exhibit A**.

3. On June 24, 2017, Debtor and non-filing Co-Debtor executed a Deed of Trust (the "Deed of Trust") granting Mortgage Electronic Registration Systems, Inc., as nominee for the Creditor, a security interest in real property located at 16621 94th Avenue Ct. E, Puyallup, WA 98375 (the "Property"). The Deed of Trust was recorded on July 3, 2017, in Pierce County Washington. A copy of the Deed of Trust is attached as **Exhibit B**.

OBJECTION TO CONFIRMATION - 1

Nikole Montufar
Weinstein & Riley, P.S.
2001 Western Avenue, Suite 400
Seattle, WA 98121
Phone: (206) 269 3490

1 4. On January 23, 2020, the Deed of Trust was assigned to Creditor, pursuant to
2 an Assignment of Mortgage. A copy of the Assignment of Mortgage is attached as **Exhibit**
3 **C.**

4 5. On January 31, 2020, the Creditor filed a secured proof of claim, with respect to
5 the Property, in the amount of \$345,161.52. *See* Claims Register, Claim 4-1. This amount
6 includes pre-petition arrears in the amount of \$2,728.60. *Id.*

7 6. On January 18, 2020, Debtor filed the Chapter 13 Plan (the “Plan”). *See* Docket
8 No. 2. The Plan proposes to make ongoing monthly payments of \$2,381.00 directly to the
9 Creditor, but the Plan does not provide for the curing of the pre-petition arrears. *Id.*

10 7. Creditor objects to confirmation of the Plan on the grounds that it does not
11 provide for repayment of pre-petition arrears to cure the default on Creditor’s secured claim
12 pursuant to 11 USC §1322(b)(5) of the United States Bankruptcy Code. The Plan should be
13 amended to include the proper amount of pre-petition arrears in an amount consistent with
14 Creditor’s filed secured proof of claim.

15 **WHEREFORE**, Quicken Loans Inc., respectfully requests that this Honorable Court
16 deny confirmation of the Debtor’s Chapter 13 Plan and for such other relief as the Court may
17 deem just and proper.

18 Dated: February 21, 2020

19 Respectfully Submitted,

20 WEINSTEIN & RILEY, P.S.

21 By: /s/ Nikole Montufar
22 Nikole Montufar (Bar No. 55028)
23 WEINSTEIN & RILEY, P.S.

24 OBJECTION TO CONFIRMATION - 2

25 Nikole Montufar
26 Weinstein & Riley, P.S.
27 2001 Western Avenue, Suite 400
28 Seattle, WA 98121
 Phone: (206) 269 3490

2001 Western Ave., Suite 400
Seattle, WA 98121
Phone: 206-438-1029
NikoleM@w-legal.com
Attorneys for Quicken Loans Inc.

OBJECTION TO CONFIRMATION - 3

Nikole Montufar
Weinstein & Riley, P.S.
2001 Western Avenue, Suite 400
Seattle, WA 98121
Phone: (206) 269 3490

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that a true and correct copy of the Objection to Confirmation of Debtor's
3 Chapter 13 Plan was served on the following parties by electronic service via the Court's ECF
4 filing system or by first-class mail on February 21, 2020:

5 Trustee via E-Filing

6 Michael G. Malaier

ecfcomputer@chapter13tacoma.org

Debtor's Counsel via E-Filing

Ellen Ann Brown

stopdebt@gmail.com

7 U.S. Trustee via E-Filing

8 United States Trustee

USTPRegion18.SE.ECF@usdoj.gov

9 Debtor via First-Class Mail

10 Michael Floyd Sanders

11 16621 94th Ave Ct E

12 Puyallup, WA 98375

16 /s/ Maggie Koo

17 Maggie Koo

18 Legal Assistant to Nikole Montufar,

19 Attorney for Quicken Loans Inc.

WEINSTEIN & RILEY, P.S.

2001 Western Ave., Suite 400

Seattle, WA 98121

27 OBJECTION TO CONFIRMATION - 4

Nikole Montufar

Weinstein & Riley, P.S.

2001 Western Avenue, Suite 400

Seattle, WA 98121

Phone: (206) 269 3490